# TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS: INSPECTION AND UPGRADING OF SUBSTANDARD ONSITE SEWAGE DISPOSAL SYSTEMS WITHIN THE MADAKET HARBOR WATERSHED

LOCAL REGULATIONS - SECTION 53.00

# 53.00 Inspection and upgrading of on-site sewage disposal systems.

#### A. Purpose.

Whereas ongoing research by the Town of Nantucket in co-operation with the Commonwealth of Massachusetts Department of Environmental Protection has documented increasing levels of nutrient loading in the Madaket Harbor/Hither Creek watershed system, these Regulations are promulgated to further limit said nutrient and other sources of contamination loading and to protect and enhance the quality of groundwater flowing into and affecting Nantucket's harbor waters.

#### B. Authority.

These Regulations are adopted by the Town of Nantucket's Board of Health as authorized by Massachusetts General Laws, Chapter 111, Section 31.

#### 53.01 Definition

A. Madaket Harbor Watershed.

The area constituting the watershed for Madaket Harbor/Hither Creek, as delineated on a map entitled "Madaket Harbor Watershed with Sub-Areas," Nantucket GIS, dated January 13, 2003.

## 53.02 Compliance Requirements

- A. Properties utilizing in-ground soil absorption systems located within Zone A of the Madaket Harbor District Watershed established as bv these Regulations and as demonstrated on a map titled Madaket Harbor Watershed District shall have the absorption system inspected by a existing soil Massachusetts licensed system inspector within 42 months of promulgation of these Regulations. Said Inspection Report shall be recorded with the Nantucket Health Department within 21 days of the completed inspection.
- B. Properties utilizing in-ground soil absorption systems located within Zone B of the Madaket Harbor Watershed District as established by these Regulations and as demonstrated on a map entitled Madaket Harbor Watershed District shall have the existing soil absorption system inspected by a Massachusetts licensed system inspector within 48

months of promulgation of these Regulations. Said Inspection Report shall be recorded with the Nantucket Health Department within 21 days of the completed inspection.

## 53.03 <u>Inspections.</u>

- A. All systems shall be inspected to determine the presence and/or absence of hydraulic failure and depth to ground water. Depth to ground water shall be determined by direct observation of highest ground water elevation (including seasonal perched and tidally influenced ground water) in a test pit excavation, unless an alternative method for accurately determining the depth to ground water has been approved in writing by the Health Director.
- **B**. The Health Director may, based on unique development conditions or due to the proximity of multiple systems within a limited geographic area, substitute a pre-approved ground water monitoring protocol for test pit excavation.

The monitoring protocol shall require as a minimum;

- data collected over a 12 month period
- a minimum of 3 wells offset to define ground water flow direction as well as depth.

### 53.04 Repairs to failed systems

- A. The owner of a system meeting hydraulic failure criteria pursuant to these regulations as stated on the Town of Nantucket Board of Health Septic System Inspection Report/Certificate of Compliance Form shall bring the system into compliance with all applicable state and local regulations within 30 days of the date of inspection.
- B. The owner of a system meeting failure criteria, exclusive of hydraulic failure, pursuant to these Regulations as stated on the Town of Nantucket Board of Health Septic System Inspection Report/Certificate of Compliance Form shall bring the system into compliance with all state and local regulations within 18 months of the adoption of the Assessment Report required in 53.05 and/or within 30 months of the expiration date of Zone A and B inspections.

#### 53.05 Inspection evaluation period

- A. Within three months of the inspection date of Zone A and B inspections, the Health Department shall tabulate and publish the inspection results.
- B. Within six months of the expiration date of zone A and Zone B inspections, the Health Department shall provide a preliminary assessment report to the Board of Health. This report shall include a brief evaluation of treatment options to effectuate implementation of best available engineering design for all required repairs/upgrades.

C. No later than six months of the expiration date of Zone B inspections, the Board of Health shall adopt the Nantucket/Madaket Assessment Report, including recommendations.

## 53.04 Exemptions

- A. Properties whose onsite sewage disposal design is documented to be based on test pit and percolation testing observed by the Board of Health after November 1<sup>st</sup> 2003.
- B. Properties which have been inspected and have both a Town of Nantucket Board of Health Septic System Inspection Report and a Certificate of Compliance Form filed with the Nantucket Health Department and dated within 24 months before promulgation of these Regulations are exempt from inspection and compliance standards as set forth in these Regulations.
- C. In all areas where Town of Nantucket mapping shows that the separation between the bottom of the soil absorption system and the predicted groundwater elevation (based on Horsley/Whitten/Hegeman study and/or USGS Hydrologic Investigation Atlas Water resources Map 1980) exceeds ten (10) feet, documentation of high ground water levels shall not be required.

#### 53.07 Enforcement

- A. Enforcement of these Local Regulations shall be effected through Town of Nantucket Board of Health Local regulations 67.00 Miscellaneous <u>Provisions</u>.
- B. These Regulations and the amendments thereto shall become effective upon the date of publication

Nantucket Board of Health

Whitey Willauer, Chairman

Patricia Roggeveen

Brian Chadwick

Michael Kopko

Allen Reinhard

Effective Date June 14, 2006

Amended Date November 28, 2007

End of Inspection period for Zone A – December 14 2009 End of Inspection Period for Zone B – June 14 2010